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Attorneys for Plaintiff
PEBBLE BEACH COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

C08 02920 HRL

PEBBLE BEACH COMPANY, a California
General Partnership,

Plaintiff,

vs.

GLENN R. CALLAHAN, and Individual,

Defendant.

**COMPLAINT FOR CANCELLATION
OF SERVICE MARK
REGISTRATIONS, TRANSFER OF
DOMAIN NAME REGISTRATIONS,
AND MONETARY AND INJUNCTIVE
RELIEF; DEMAND FOR JURY
TRIAL**

Plaintiff Pebble Beach Company ("PBC") complains of defendant Glenn R Callahan
("Callahan") as follows:

PARTIES

1. PBC was at all times here relevant and is a general partnership duly organized
and existing under and by virtue of the laws of the State of California, and has its principal place of
business in the County of Monterey, State of California.

2. Defendant Callahan was at all times here relevant and is a citizen and resident
of the County of Monterey, State of California.

**COMPLAINT FOR CANCELLATION OF SERVICE MARK REGISTRATIONS, TRANSFER OF DOMAIN NAME
REGISTRATIONS, AND MONETARY AND INJUNCTIVE RELIEF; DEMAND FOR JURY TRIAL**

JURISDICTION

3. This Court has jurisdiction over the claims set forth herein pursuant to the provisions of 28 U.S.C. § 1331 because those claims arise under the laws of the United States, specifically the Lanham Act, 15 U.S.C. §§ 1064, 1119 and 1125.

VENUE AND INTRADISTRICT ASSIGNMENT

4. Venue is proper in this District pursuant to the provisions of 28 U.S.C. §§ 1391(b) and 1400 because a substantial part of the events or omissions giving rise to the claim occurred here, and because defendant may be found here. This action should be assigned to the San Jose Courthouse because the parties are located in, and the claims arose in, the County of Monterey.

FACTUAL BACKGROUND

5. In 1880, one of PBC's direct predecessors-in-interest acquired substantial real property on the Monterey Peninsula, including land known as the "Del Monte Forest." Commencing in 1919, one of PBC's direct predecessors-in-interest began operating a golf course, called the "Pebble Beach Golf Links" or the "Pebble Beach golf course." PBC and its direct predecessors-in-interest have operated this golf course continuously since 1919. Over time, and due in part to the fame of the Pebble Beach Golf Links, people began referring to the Del Monte Forest as "Pebble Beach."

6. From 1919 until 1977, a direct PBC predecessor-in-interest called itself Del Monte Properties Company ("DMPC"). DMPC controlled access (eventually through four gates) to the Del Monte Forest and gradually sold, for private residences, a portion of the property originally acquired as the Del Monte Forest. PBC continues to control access to the original Forest area, which now includes more than 2,500 privately owned residences.

7. During those same years, DMPC developed additional golf courses in the Del Monte Forest, such that the Del Monte Forest, or "Pebble Beach," became one of the world's premiere golfing venues, with major tournaments held there and with thousands and thousands of annual visitors drawn there by the golf facilities and the reputation developed by "Pebble Beach" and its owner.

8. PBC's direct predecessor-in-interest, DMPC, leased a retail establishment

1 called the Pro Shop, located adjacent to the Pebble Beach Golf Links, to various lessees from at least
 2 as early as the 1940s until the late 1970s, when PBC took over direct operation of the shop. DMPC
 3 received commissions on sales of items from this shop during the period it was leased. Beginning in
 4 the early 1950s the lessee of the Pro Shop began selling caps that were logo'd with the phrase "Pebble
 5 Beach." In the late 1950s the lessee began putting the words "Pebble Beach" on bag tags, ball
 6 markers, and towels. By late 1968 or early 1969 additional items, including golf bag covers, golf club
 7 covers, golf clubs, golf gloves, handbags, golf shirts and sweaters were sold with the "Pebble Beach"
 8 logo. In the late 1970s, PBC created its Retail Department, which expanded the range of logo'd
 9 merchandise it sold through the Pro Shop to include pants, knickers, belts, ties, vests, scarves, and
 10 miscellaneous souvenir items.

11 9. In the years following the the creation of PBC's Retail Department, PBC
 12 continued to expand the range of logo'd merchandise, and began selling such merchandise from other
 13 locations, such as a Company Store, drug store, gas station, a shop for children's clothes, and a
 14 designer fashion store. The logo'd items sold through these stores included, among other things,
 15 softgoods, foods and beverages, souvenirs, cosmetics, and license plate frames. In addition, for more
 16 than half a century PBC has organized events that bear its distinctive name and are associated in the
 17 mind of consumers with PBC, including the Pebble Beach Road Races, Pebble Beach Concours
 18 d'Elegance, Pebble Beach Equestrian Classics, and Pebble Beach Food & Wine Festival.

19 10. The mark "Pebble Beach" over the ensuing years has become famous both
 20 nationally and world-wide, and for a wide array of goods and services. That trademark is currently
 21 registered in at least 35 other countries in North and South America, Europe, Australia and Asia, with
 22 registrations in international classes of goods 3, 9, 12, 16, 18, 25, 28, 31, 33, 39, 41 and 42. In
 23 addition, PBC sought and received from the United State Patent and Trademark Office ("USPTO")
 24 registrations of its "Pebble Beach" trademark with for international classes of goods 3 (registration
 25 numbers 1884513 and 2426604), 14 (1738248), 16 (1723688 and 1884513), 18 (1723773 and
 26 1884513), 20 (1723806 and 1884513), 21 (1738373 and 1884513), 24 (1738389), 28 (1791043 and
 27 1884513), 29 (1884513), 30 (1884513), 33 (1884513), 35 (1806360), 39 (1806360), 41 (1806360) and
 28

1 42 (1724418 and 1806360). The great majority of the USPTO registrations have achieved
2 incontestable status.

3 11. On or about May 19, 2005, Callahan submitted an application to the USPTO to
4 register the service mark "Pebble Beach Bancorp," representing that he had a bona fide intention to
5 use that mark in commerce for "banking services" in international class 36. On or about March 7,
6 2006, Callahan submitted to the USPTO an Amendment to Allege Use, in which he claimed that the
7 mark is "now in use in such commerce," and that it was first so used on August 31, 2005. As proof of
8 such use, Callahan submitted a copy of an advertisement published in the Park Record, a newspaper
9 published in Park City, Utah, in which he described "Pebble Beach Bancorp" as "[a] holding company
10 for financial institutions such as banks, trust companies, real estate firms, insurance companies and
11 related organizations," with the address "c/o Glenn Callahan, P.O. Box 1295, Pebble Beach, CA
12 93953," and with his personal telephone number, (831) 624-1847.

13 12. On or about September 15, 2006, the mark was approved for registration, and
14 on or about November 11, 2006, Registration No. 3170216 was issued, registering that service mark
15 on the Supplemental Register.

16 13. PBC is informed and believes that the asserted service mark "Pebble Beach
17 Bancorp" has never been used in commerce, whether as represented to the USPTO by Callahan or
18 otherwise, that there is no "holding company" nor any "financial institutions such as banks, trust
19 companies, real estate firms, insurance companies and related organizations," and that the sole "use"
20 of the mark was the single publication of the referenced advertisement in a newspaper in Park City,
21 Utah.

22 14. On or about September 30, 2005, Callahan submitted an application to the
23 USPTO to register the service mark "Pebble Beach Festivals," representing that he had a bona fide
24 intention to use that mark in commerce for "film exhibitions, art displays and music concerts" in
25 international class 41. On or about May 10, 2006, Callahan submitted to the USPTO an Amendment
26 to Allege Use, in which he claimed that the mark is "now in use in such commerce," and that it was
27 first so used "at least as early as 10/05/2005." As proof of such use, Callahan submitted a copy of an
28

1 advertisement published in the Park Record, a newspaper published in Park City, Utah, in which he
2 described "Pebble Beach Festivals" as "[a] company organizing all types and kinds of festivals,
3 including but not limited to films, music, art and auctions marketing these forms of media and
4 entertainment in addition to all types and kinds of food & wine," with the address "c/o Glenn
5 Callahan, P.O. Box 1295, Pebble Beach, CA 93953," and with his personal telephone number, (831)
6 624-1847.

7 15. On or about August 11, 2006, the mark was approved for registration, and on or
8 about November 11, 2006, Registration No. 3152322 was issued, registering that service mark on the
9 Supplemental Register.

10 16. PBC is informed and believes that the asserted service mark "Pebble Beach
11 Festivals" has never been used in commerce, whether as represented to the USPTO by Callahan or
12 otherwise, that there is no "company organizing all types and kinds of festivals, including but not
13 limited to films, music, art and auctions marketing these forms of media and entertainment in addition
14 to all types and kinds of food & wine," nor any such "festivals" and that the sole "use" of the mark
15 was the single publication of the referenced advertisement in a newspaper in Park City, Utah.

16 17. On or about September 30, 2005, Callahan submitted an application to the
17 USPTO to register the service mark "Pebble Beach Homes," representing that he had a bona fide
18 intention to use that mark in commerce for "real estate brokerage services" in international class 36.
19 On or about August 28, 2006, Callahan submitted to the USPTO an Amendment to Allege Use, in
20 which he claimed that the mark is "now in use in such commerce," and that it was first so used "at
21 least as early as 10/05/2005." As proof of such use, Callahan submitted a copy of an advertisement
22 published in the Park Record, a newspaper published in Park City, Utah, in which he described
23 "Pebble Beach Homes" as "[a] company specializing in all types and kinds of real estate brokerage,
24 including but not limited to sales, loans, magazines, financial organizations, bancorps, banks, thrifts,
25 and marketing these forms of media," with the address "c/o Glenn Callahan, P.O. Box 2462, Carmel,
26 CA 93921."

27 18. On or about September 18, 2006, the mark was approved for registration, and
28

1 on or about November 1, 2006, Registration No. 3172626 was issued, registering that service mark on
2 the Supplemental Register.

3 19. PBC is informed and believes that the asserted service mark "Pebble Beach
4 Homes" has never been used in commerce, whether as represented to the USPTO by Callahan or
5 otherwise, that there is no "company specializing in" any type or kind of "real estate brokerage,
6 including but not limited to sales, loans, magazines, financial organizations, bancorps, banks, thrifts,"
7 or in "marketing these forms of media," and that the sole "use" of the mark was the single publication
8 of the referenced advertisement in a newspaper in Park City, Utah.

9 20. On or about July 18, 2006, Callahan submitted an application to the USPTO to
10 register the service mark "Pebble Beach Financial," representing that was using that mark in
11 commerce for "trust services, namely, investment and trust company services" in international class
12 36. In his application, Callahan represented that the mark was first used in commerce "at least as
13 early as 10/05/2005." As proof of such use, Callahan submitted a copy of an advertisement published
14 in the Park Record, a newspaper published in Park City, Utah, in which he described "Pebble Beach
15 Financial" as "[a] company specializing in all types and kinds of financial brokerage, including but
16 not limited to financial services benefiting bancorps, banks, thrifts and trusts as well as the marketing
17 of this form of financial services," with the address "c/o Glenn Callahan, P.O. Box 2462, Carmel, CA
18 93921" and with his personal telephone number, (831) 624-1847.

19 21. On or about August 10, 2007, the mark was approved for registration, and on or
20 about September 18, 2007, Registration No. 3295941 was issued, registering that service mark on the
21 Supplemental Register.

22 22. PBC is informed and believes that the asserted service mark "Pebble Beach
23 Financial" has never been used in commerce, whether as represented to the USPTO by Callahan or
24 otherwise, that there is no "company specializing in" any type or kind of "financial brokerage,
25 including but not limited to financial services benefiting bancorps, banks, thrifts and trust" or in
26 "marketing of this form of financial services," and that the sole "use" of the mark was the single
27 publication of the referenced advertisement in a newspaper in Park City, Utah.
28

23. On or about July 5, 2005, Callahan registered the domain names "www.pebblebeachfilmfestival.com" and "www.pebblebeachmusicfestival.com," and on or about September 6, 2005, registered the domain name "www.pebblebeachfestivals.com." There is no active web site at any of those uniform resource locators.

24. On or about July 26, 2008, Callahan registered the domain names "www.pebblebeachfinancial.com" and "www.pebblebeachbancorp.com." There is no active web site at either of those uniform resource locators.

25. On January 30, 2008, Callahan communicated in writing with PBC and offered to sell it the four service mark registrations, one unnamed registration, and associated domain names for the total sum of \$185,000.

FIRST CAUSE OF ACTION

(Injunctive Relief and Cancellation of "Pebble Beach Bancorp" Registration)

26. PBC incorporates herein by reference as though set forth in full each and every allegation contained in paragraphs 1-25, inclusive.

27. Callahan's statements of fact to the USPTO regarding his alleged use of the "Pebble Beach Bancorp" mark in commerce were false, and made with the intention of obtaining a registration to which Callahan was not, and is not, entitled under the law. The resulting registration therefore was obtained fraudulently within the meaning of 15 U.S.C. § 1064(3).

28. If the fraudulently-obtained registration is permitted to remain, PBC will be injured and damaged in that consumers will be confused as to the source of goods or services that may later be offered under that mark, and the distinctive and well-known "Pebble Beach" marks will be diluted.

29. PBC has no adequate remedy at law and therefore is entitled to injunctive relief against Callahan, restraining and enjoining him and all those acting in concert or participation with him from any use of the "Pebble Beach Bancorp" mark.

30. In addition, this Court should order the cancellation of the "Pebble Beach Bancorp" mark in accordance with the provisions of 15 U.S.C. § 1119.

31. Because under the facts alleged herein Callahan's obvious intent was to trade on the value of the name "Pebble Beach" to the detriment of PBC, and because his conduct was fraudulent, intentional and knowing, this action is an "exceptional case" within the meaning of 15 U.S.C. § 1125(a), and PBC is entitled to an award of reasonable attorney's fees.

SECOND CAUSE OF ACTION

(Injunctive Relief and Cancellation of “Pebble Beach Festivals” Registration)

32. PBC incorporates herein by reference as though set forth in full each and every allegation contained in paragraphs 1-25, inclusive.

33. Callahan's statements of fact to the USPTO regarding his alleged use of the "Pebble Beach Festivals" mark in commerce were false, and made with the intention of obtaining a registration to which Callahan was not, and is not, entitled under the law. The resulting registration therefore was obtained fraudulently within the meaning of 15 U.S.C. § 1064(3).

34. If the fraudulently-obtained registration is permitted to remain, PBC will be injured and damaged in that consumers will be confused as to the source of goods or services that may later be offered under that mark, and the distinctive and well-known “Pebble Beach” marks will be diluted.

35. PBC has no adequate remedy at law and therefore is entitled to injunctive relief against Callahan, restraining and enjoining him and all those acting in concert or participation with him from any use of the “Pebble Beach Festivals” mark.

36. In addition, this Court should order the cancellation of the “Pebble Beach Festivals” mark in accordance with the provisions of 15 U.S.C. § 1119.

37. Because under the facts alleged herein Callahan's obvious intent was to trade on the value of the name "Pebble Beach" to the detriment of PBC, and because his conduct was fraudulent, intentional and knowing, this action is an "exceptional case" within the meaning of 15 U.S.C. § 1125(a), and PBC is entitled to an award of reasonable attorney's fees.

THIRD CAUSE OF ACTION

(Injunctive Relief and Cancellation of “Pebble Beach Homes” Registration)

38. PBC incorporates herein by reference as though set forth in full each and every allegation contained in paragraphs 1-25, inclusive.

39. Callahan's statements of fact to the USPTO regarding his alleged use of the "Pebble Beach Homes" mark in commerce were false, and made with the intention of obtaining a registration to which Callahan was not, and is not, entitled under the law. The resulting registration therefore was obtained fraudulently within the meaning of 15 U.S.C. § 1064(3).

40. If the fraudulently-obtained registration is permitted to remain, PBC will be injured and damaged in that consumers will be confused as to the source of goods or services that may later be offered under that mark, and the distinctive and well-known "Pebble Beach" marks will be diluted.

41. PBC has no adequate remedy at law and therefore is entitled to injunctive relief against Callahan, restraining and enjoining him and all those acting in concert or participation with him from any use of the "Pebble Beach Homes" mark.

42. In addition, this Court should order the cancellation of the "Pebble Beach Homes" mark in accordance with the provisions of 15 U.S.C. § 1119.

43. Because under the facts alleged herein Callahan's obvious intent was to trade on the value of the name "Pebble Beach" to the detriment of PBC, and because his conduct was fraudulent, intentional and knowing, this action is an "exceptional case" within the meaning of 15 U.S.C. § 1125(a), and PBC is entitled to an award of reasonable attorney's fees.

FOURTH CAUSE OF ACTION

(Injunctive Relief and Cancellation of "Pebble Beach Financial" Registration)

44. PBC incorporates herein by reference as though set forth in full each and every allegation contained in paragraphs 1-25, inclusive.

45. Callahan's statements of fact to the USPTO regarding his alleged use of the "Pebble Beach Financial" mark in commerce were false, and made with the intention of obtaining a registration to which Callahan was not, and is not, entitled under the law. The resulting registration therefore was obtained fraudulently within the meaning of 15 U.S.C. § 1064(3).

1 46. If the fraudulently-obtained registration is permitted to remain, PBC will be
2 injured and damaged in that consumers will be confused as to the source of goods or services that may
3 later be offered under that mark, and the distinctive and well-known "Pebble Beach" marks will be
4 diluted.

5 47. PBC has no adequate remedy at law and therefore is entitled to injunctive relief
6 against Callahan, restraining and enjoining him and all those acting in concert or participation with
7 him from any use of the "Pebble Beach Financial" mark.

8 48. In addition, this Court should order the cancellation of the "Pebble Beach
9 Financial" mark in accordance with the provisions of 15 U.S.C. § 1119.

10 49. Because under the facts alleged herein Callahan's obvious intent was to trade
11 on the value of the name "Pebble Beach" to the detriment of PBC, and because his conduct was
12 fraudulent, intentional and knowing, this action is an "exceptional case" within the meaning of 15
13 U.S.C. § 1125(a), and PBC is entitled to an award of reasonable attorney's fees.

14 FIFTH CAUSE OF ACTION

15 (Cybersquatting)

16 50. PBC incorporates herein by reference as though set forth in full each and every
17 allegation contained in paragraphs 1-25, inclusive.

18 51. Callahan registered the domain names "www.pebblebeachfilmfestival.com,"
19 "www.pebblebeachmusicfestival.com," "www.pebblebeachfestivals.com,"
20 "www.pebblebeachfinancial.com," and "www.pebblebeachbancorp.com" in bad faith. His clear intent
21 was to trade upon or threaten to trade upon the famous and distinctive "Pebble Beach" marks and to
22 extort funds from PBC to prevent him from causing damage to and the dilution of its famous and
23 distinctive marks.

24 52. Because of Callahan's bad faith in registering the domain names set forth
25 herein, and in accordance with the provisions of 15 U.S.C. § 1125 (d)(2)(c), this Court should order
26 the transfer of the registration of each of the domain names listed herein, and any other domain name
27 registered by Callahan and using the name "Pebble Beach," to PBC.

53. Because of Callahan's violation of the provisions of 15 U.S.C. § 1125(d)(1), and in accordance with the provisions of 15 U.S.C. § 1117(d), PBC is entitled to an award of statutory damages in the sum of \$1,000 to \$100,000 for each of the domain names at issue in this action.

54. Because under the facts alleged herein Callahan's obvious intent was to trade on the value of the name "Pebble Beach" to the detriment of PBC, and because his conduct was fraudulent, intentional and knowing, this action is an "exceptional case" within the meaning of 15 U.S.C. § 1125(a), and PBC is entitled to an award of reasonable attorney's fees.

WHEREFORE, plaintiff Pebble Beach Company prays for judgment against defendant Glenn R. Callahan as follows:

1. For an injunction, enjoining and restraining Callahan and all those acting in concert and participation with him from using the marks "Pebble Beach Bancorp," "Pebble Beach Festivals," "Pebble Beach Homes," "Pebble Beach Financial," or any other mark incorporating the words "Pebble Beach" or other words confusingly similar thereto;

2. For an Order cancelling the USPTO registration of the "Pebble Beach Bancorp" service mark;

3. For an Order cancelling the USPTO registration of the "Pebble Beach Festivals" service mark;

4. For an Order cancelling the USPTO registration of the "Pebble Beach Homes" service mark;

5. For an Order cancelling the USPTO registration of the "Pebble Beach Financial" service mark;

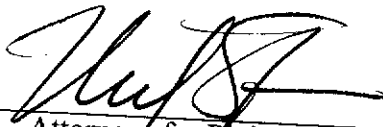
6. For an Order transferring the registration of the www.pebblebeachfilmfestival.com," "www.pebblebeachmusicfestival.com," "www.pebblebeachfestivals.com," "www.pebblebeachfinancial.com," and "www.pebblebeachbancorp.com" domain names listed herein, and any other domain name registered by Callahan and using the name "Pebble Beach," to Pebble Beach Company;

1 7. For statutory damages for cybersquatting in the sum of \$1,000 to \$100,000 for
2 each domain name registered in bad faith;

3 8. For costs of suit incurred herein, including reasonable attorney's fees; and
4 9. For such other and further relief as this Court may deem just and proper.

5 Dated: June 10, 2008

6 NEIL L. SHAPIRO
7 LAW OFFICES OF NEIL L. SHAPIRO

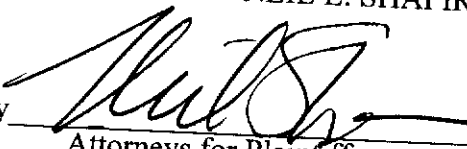
8
9 By 
10 Attorneys for Plaintiff
11 PEBBLE BEACH COMPANY

12
13 **DEMAND FOR JURY TRIAL**

14 Plaintiff Pebble Beach Company hereby demands a jury trial of this action.

15 Dated: June 10, 2008

16 NEIL L. SHAPIRO
17 LAW OFFICES OF NEIL L. SHAPIRO

18 By 
19 Attorneys for Plaintiff
20 PEBBLE BEACH COMPANY

JS 44 (Rev. 12/07) (and rev 1-16-08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

I. (a) PLAINTIFFS

Pebble Beach Company

DEFENDANTS

Glenn R. Callahan

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Law Offices of Neil L. Shapiro
2100 Garden Road, Suite C
Monterey, CA 93940
831-372-3700

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

C08 02920

HRL

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury—	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury—	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	PROPERTY RIGHTS	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	PERSONAL PROPERTY	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 660 Occupational Safety/Health	<input checked="" type="checkbox"/> 840 Trademark	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 690 Other	SOCIAL SECURITY	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	LABOR	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	PRISONER PETITIONS	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise		Habeas Corpus:	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
		<input type="checkbox"/> 530 General	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
REAL PROPERTY	CIVIL RIGHTS	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 790 Other Labor Litigation	FEDERAL TAX SUITS	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 550 Civil Rights	IMMIGRATION	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 462 Naturalization Application		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare		<input type="checkbox"/> 463 Habeas Corpus—Alien Detainee		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities—Employment		<input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities—Other				
	<input type="checkbox"/> 440 Other Civil Rights				

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. sections 1064, 1119 and 1125

Brief description of cause:

Cancellation of service mark registrations; transfer of domain names.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$
UNDER F.R.C.P. 23

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)

☐ SAN FRANCISCO/OAKLAND ☒ SAN JOSE

DATE

June 10, 2008

SIGNATURE OF ATTORNEY OF RECORD

[Signature]